

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

GLEN SIMONS,

Plaintiff,

v.

DR. NGUYEN, et. al.,

Defendant.

CV F- 05-0503 LJO DLB P

ORDER DISMISSING ACTION  
PURSUANT TO PLAINTIFF'S  
NOTICE  
[Doc. 41 ]

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights action.

On March 12, 2007, plaintiff filed a document entitled "Motion for Misjoinder of Defendants Varela and Edwards." The court construes this a motion for voluntary dismissal of these defendants. On March 14, 2007, defendants filed a non-opposition to the dismissal of these defendants and on March 26, 2007, plaintiff confirmed his request for dismissal of defendants Varela and Edwards.

Pursuant to Federal Rule of Civil Procedure 41(a), an action may be dismissed by plaintiff by filing a notice of dismissal before service by the adverse party of an answer or of a motion for summary judgment. However, here, defendants do not object to dismissal.

Accordingly, defendants Varela and Edwards are HEREBY DISMISSED from this action pursuant to plaintiff's notice of voluntary dismissal.

IT IS SO ORDERED.

**Dated: March 28, 2007**  
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**/s/ Lawrence J. O'Neill**  
UNITED STATES DISTRICT JUDGE